THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14610 of 1999

ORAL ORDER:

This writ petition is filed seeking a Mandamus directing the respondents to act in accordance with law and allow the benefit of seniority and pay fixation to the petitioners pursuant to the order regularizing the petitioners as Clerks in the second respondent with effect from the date of their first appointment i.e. 1.1.1990 and allow all consequential benefits.

It appears, petitioners were initially appointed in the erstwhile Tadepalligudem Cooperative Agricultural Development Bank. The said Bank was abolished and thereafter, petitioners were absorbed into second respondent-Bank under the provisions of A.P. Cooperative Societies Act, 1964. According to the petitioners, they have been working continuously from 1991 till date and discharging the duties attached to the post of Clerk, without any break. Earlier, they filed W.P.No.7056 of 1987 seeking absorption in the second respondent Bank. The said writ petition was allowed by this Court on 30.11.1993 with a direction to the second respondent Bank to consider feasibility of continuing petitioners by passing appropriate orders. Thus, the petitioners were absorbed. Now it is their contention that they had more than 12 years of service before abolition of Tadepalligudem Cooperative Agricultural Development Bank and therefore, regularization of their services with effect from 18.10.1998 would result in serious consequences and they would be denied of seniority etc. Hence the writ petition.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioner and asserted that the petitioners were appointed irregularly without following the rules prescribed for appointment and also without approval of the erstwhile APCCAD Bank, Hyderabad. However, as per the directions of this Court in W.P.No.7056 of

1987, the Board of Management has taken a decision to regularize the services of the petitioners on humanitarian grounds with effect from 18.10.1998. The first petitioner did not possess the requisite qualification to hold the post. Since he was continuing on consolidated pay for the last 10 years, his services were regularized on humanitarian grounds. As on today, he is not eligible for confirmation and declaration of his probation since he did not possess the requisite qualification. Therefore, the question of extending benefit of seniority and pay fixation to the petitioners does not arise.

Heard both sides.

It is an admitted fact that the Tadepalligudem Cooperative Agricultural Development Bank was abolished where the petitioners were working and thereafter they filed W.P.No.7056 of 1987. Having regard to the length of service rendered by the petitioners and the posts in which they were working, this Court directed the respondents to consider the feasibility of continuing them by passing appropriate orders. Thereafter, the services of the petitioners were regularized with effect from 18.10.1998 and they were put on regular time scale. Now the case of the petitioners that they are entitled for regularization of their services from the date of their first appointment into the abolished Tadepalligudem Cooperative Agricultural Development Bank and that seniority must be counted and their pay should be protected, seems to be a speculative plea. No substantial grounds are made out calling for interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merit and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,

J

Date: 17.4.2007

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W.P.No.14610 of 1999

17.4.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.14610 of 1999

Date: 17th April, 2007

Between:

P.V.B.Gangadhara Rao & another.

.. Petitioners

And

The Commissioner for Cooperation and
Registrar of Cooperative Societies,
Andhra Pradesh, Hyderabad & another.

.. Respondents